



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



314721

REPLY TO THE ATTENTION OF

January 28, 2008

VIA EMAIL & REGULAR MAIL  
tcarey@bellboyd.com

Thomas R. Carey, Esq.  
Bell, Boyd & Lloyd LLC  
Suite 3300  
70 West Madison Street  
Chicago, Illinois 60602-4207

Re: Lindsay Light II Site OU 06, 245 E. Ohio  
Chicago, Illinois  
Request for Work Plan Approval Request

Dear Mr. Carey:

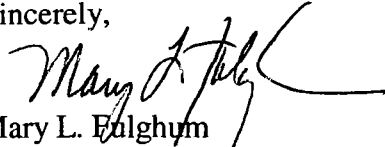
Thank you for your letter sent by electronic mail received at 4:46 p.m. on Friday, January 25, 2008 regarding the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.* (CERCLA) removal site known as the Lindsay Light II Site, Operable Unit 06 (OU 06). It is very encouraging that there are still plans to remove the radioactive contamination from this property. It is unprecedented in Streeterville, however, for an owner or developer of a radioactively contaminated property to undertake cleanup of their property without entering an agreement with the United States Environmental Protection Agency (U.S. EPA) or becoming subject to a unilateral administrative order. U.S. EPA can not be compelled to approve a work plan that contains requirements that U.S. EPA perform response activities without benefit of an agreement or order; especially if U.S. EPA has no mechanism to ensure that the work is performed in accordance with the work plan. In a densely populated and heavily trafficked neighborhood such as Streeterville, U.S. EPA must be able to fully assure the public, including construction and utility workers, that all required radiological control measures have been properly implemented.

As you are aware, U.S. EPA issued a general notice letter to Tronox LLC (then Kerr-McGee Chemical LLC) on August 11, 2005, that explained thorium contamination had been identified at the property and that Tronox LLC was a potentially liable party for the cleanup of this property. You are also in receipt of U.S. EPA's letter dated February 6, 2006 addressed to Wilson P. Funkhouser which discussed the current property owners' innocent landowner

assertion and the prohibition of a bona fide prospective purchaser having an affiliation with a potentially liable owner. For your information I have enclosed an Administrative Settlement Agreement and Order on Consent entered into by the owner/developer of the property located at 400 East Illinois Street in Streeterville. U.S. EPA would welcome your client's participation in a similar settlement agreement and would be willing to expedite the issuance of such an agreement to accommodate your client's transactional exigencies.

Please call me at (312) 886-4683 or Cathleen Martwick at (312) 886-7166 to discuss this matter further. We look forward to hearing from you.

Sincerely,

  
Mary L. Fulghum

enclosure-ASAOC

cc: Cathleen Martwick